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6 Attorneys for Plaintiff
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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11

12 ESTHER HWANG,

Case No. C 07 2718 MCC

13 Plaintiff,

14 vs.
15 DECLARATION OF BENJAMIN
16 NISENBAUM IN SUPPORT OF
17 PLAINTIFF'S OPPOSITION TO
18 DEFENDANTS' MOTION FOR SUMMARY
19 JUDGMENT. OR, IN THE ALTERNATIVE.
20 SUMMARY ADJUDICATION OF ISSUES

21 Time: 9:00 a.m.
Date: September 12, 2008
Courtroom 7, 19th Floor

22 Honorable Maxine M. Chesney

23 CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation; HEATHER FONG, in
her capacity as Chief of Police for the CITY
AND COUNTY OF SAN FRANCISCO; JESSE
SERNA, individually, and in his capacity as a
police officer for the CITY AND COUNTY OF
SAN FRANCISCO; NELSON ARTIGA,
individually and in his capacity as a police
officer for the CITY AND COUNTY OF SAN
FRANCISCO; and, San Francisco police officers
DOES 1-25, inclusive,

24 Defendants.
25 /

26 I, Benjamin Nisenbaum, hereby declare:

27 1. I am attorney of record for Plaintiff ESTHER HWANG. This declaration is submitted in
support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment, or, in the
28 Alternative, Summary Adjudication of issues.

1 2. Attached hereto as Exhibit A is a true and correct copy of relevant portions of the
2 deposition of Plaintiff ESTHER HWANG.

3 3. Attached hereto as Exhibit B is a true and correct copy of relevant portions of the
4 deposition of Daniel Hwang.

5 4. Attached hereto as Exhibit C is a true and correct copy of relevant portions of the
6 deposition of Sung Lim.

7 5. Attached hereto as Exhibit D is a true and correct copy of relevant portions of the
8 deposition of Mirko Buchwald.

9 6. Attached hereto as Exhibit E is a true and correct copy of San Francisco Police Department
10 Incident Report number 070486886, pertaining to the subject-incident.

11 7. Attached hereto as Exhibit F is a true and correct copy of relevant portions of the
12 deposition of Nathan Flores.

13 8. Attached hereto as Exhibit G is a true and correct copy of relevant portions of the
14 deposition of Eugene Ainsworth.

15 9. Attached hereto as Exhibit H is a true and correct copy of the Complaint for Damages filed
16 in USDC Northern District of California, Case No. 3:07-cv-02460 JL, *Gregory Oliver, II, v. City and*
17 *County of San Francisco, et al.*

18 10. Attached hereto as Exhibit I are true and correct copies of the Complaint for Damages
19 filed in USDC Northern District of California, Case No. 3:07-cv-02941 PJH, *Marco Maestrini v. City*
20 *and County of San Francisco, et al.*, San Francisco Police Department Incident Report Number
21 061153549, pertaining to that incident, and photographs of Mr. Maestrini's bloody white t-shirt and
22 injuries to Mr. Maestrini's head.

23 11. Attached hereto as Exhibit J is a true and correct copy of the Civil Docket sheet in USDC
24 Northern District of California, Case No. 3:97-cv-04310 TEH, *Green v. City and County of San*
25 *Francisco, et al.*

26 12. Attached hereto as Exhibit K is a true and correct copy of the Civil Docket sheet in
27 USDC Northern District of California, Case No. 3:98-cv-00351 THE, *Lewis v. City and County of*
28 *San Francisco, et al.*

13. Attached hereto as Exhibit L is a true and correct copy of the Civil Docket sheet in USDC Northern District of California, Case No. 3:98-cv-01610 MMC, *Pasene v. City and County of San Francisco, et al.*

14. Attached hereto as Exhibit M is a true and correct copy of the Civil Docket sheet in USDC Northern District of California, Case No. 3:00-cv-00539 MEJ, *Duthie, et al. v. City and County of San Francisco, et al.*

15. Attached hereto as Exhibit N is a true and correct copy of the Civil Docket sheet in USDC Northern District of California, Case No. 3:00-cv-01501 WHO, *Bell, et al. v. City and County of San Francisco, et al.*

16. Attached hereto as Exhibit O is a true and correct copy of the Joint Case Management Conference Statement USDC Northern District of California, Case No. 3:07-cv-04494 JSW, *Alemozaffar v. City and County of San Francisco, et al.*

17. Attached hereto as Exhibit P is a true and correct copy of the Complaint filed in USDC Northern District of California, Case No. 3:08-cv-01916 SBA, *Jamal Jackson v. City and County of San Francisco, et al.*

18. Attached hereto as Exhibit Q is a true and correct copy of the Complaint filed in USDC Northern District of California, Case No. 3:08-cv-01163 MEJ, *Shawn Myers, et al. v. City and County of San Francisco, et al.*.

19. Attached hereto as Exhibit R is a true and correct copy of Magistrate Judge Larson's Order on Plaintiff's Motion to Compel in USDC Northern District of California, Case No. 3:07-cv-02460 JL, *Oliver v. City and County of San Francisco, et al.*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my personal knowledge, except where stated on information and belief, and to those matters I am informed and believe them to be true. If called as a witness, I would competently testify to those matters stated herein.

Executed August 22, 2008 at Oakland, California.

/s/ 
Benjamin Nisenbaum
Attorney for Plaintiff